

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 21-MJ- 4153

MARCUS WHITE,

Defendant

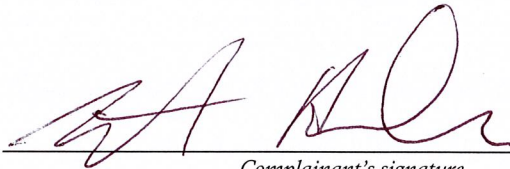
CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about October 7, 2021 and October 13, 2021, in the Western District of New York, the defendant, MARCUS WHITE, did knowingly, intentionally, and unlawfully possess with intent to distribute, and distributed, cocaine and fentanyl, Schedule II controlled substances, **in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C)**. Furthermore, on or about November 13, 2021, in the Western District of New York, the defendant, MARCUS WHITE, did knowingly, intentionally, and unlawfully possess with intent to distribute, and distributed, cocaine, a Schedule II controlled substance, **in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C)**.

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

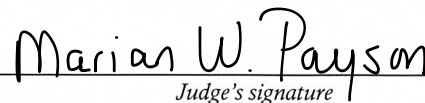


Complainant's signature

Special Agent Matthew D. Hudson
Homeland Security Investigations

Printed name and title

Affidavit and Criminal Complaint submitted electronically via email in .pdf form. Oath administered, and contents and signature attested to me as true and accurate telephonically pursuant to Fed.R.Crim.P. 4.1 and 4(d) on:



Judge's signature

Date: November 18, 2021

City and State: Rochester, New York

HONORABLE MARIAN W. PAYSON
UNITED STATES MAGISTRATE JUDGE

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

21-MJ- 4153

MARCUS WHITE,

Defendant

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, MATTHEW D. HUDSON, being duly sworn, depose and state that:

INTRODUCTION

1. I am a Special Agent with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI), and have been so employed since November 2019. I am currently assigned to the HSI Buffalo Border Enforcement Security Task Force (BEST) and attached to the Greater Rochester Area Narcotics Enforcement Team (GRANET). My responsibilities include investigating violations of federal and state criminal laws, including crimes involving smuggling and narcotics trafficking. As such, I am an "investigative or law enforcement officer" within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516, and Title 21 of the United States Code.

2. This affidavit is submitted in support of a Criminal Complaint charging MARCUS WHITE with violations of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C) (Possession with Intent to Distribute, and Distribution of, Cocaine and Fentanyl, Schedule II Controlled Substances).

3. As more fully described below, the facts set forth in this affidavit are based on a review of reports completed by law enforcement agencies and conversations with law enforcement officers assigned to this investigation, including Monroe County Sheriff's Deputy Ryan Moore. The conclusions drawn in this affidavit are based on my training and experience, as well as on the advice of other experienced federal, state, and local narcotics investigators. Because this affidavit is being submitted for a limited purpose, I have not included each fact that I know concerning this investigation. Rather, I have set forth only those facts that relate to the issue of whether probable cause exists to believe that MARCUS WHITE committed the specified offenses.

AFFIANT'S BACKGROUND

4. I have been employed as an HSI Special Agent since November 2019. During my tenure with HSI, I have participated in numerous narcotics investigations during which I have conducted physical and wire surveillance, executed search warrants, and reviewed and analyzed recorded conversations and records of drug traffickers and money launderers. Through my training, education, and experience (including debriefing cooperating drug traffickers and money launderers, monitoring wiretapped conversations of drug traffickers and money launderers, and conducting surveillance on numerous occasions of individuals engaged in drug trafficking and money laundering), I have become familiar

with the manner in which illegal drugs are imported, stored, transported, and distributed, the method of payment for such transactions, the various ways in which drug money is laundered, and the methods used by persons involved in these activities to avoid detection by law enforcement. As a result of this background, I am familiar with how controlled substances are obtained, packaged, distributed, sold, and used in drug distribution networks. My investigative experience detailed herein, and the experience of other law enforcement agents who are participating in this investigation, serve as the basis for the opinions and conclusions set forth herein.

BACKGROUND OF INVESTIGATION

5. Since October 7, 2021, members of GRANET have been conducting a narcotics investigation relating to a fatal heroin/fentanyl overdose in Monroe County, New York. During the investigation, a Confidential Source (hereinafter, "CS") indicated that the overdose victim obtained the fatal narcotics dose from a male narcotics dealer known as "Ali", utilizing telephone number (585) 351-7928. Through various investigative methods that include open information sources and law enforcement databases, GRANET members were able to identify "Ali" as MARCUS WHITE. Upon identifying WHITE, GRANET members, with assistance from the Monroe County Sheriff's Office (hereafter "MCSO"), conducted a video recorded blind photo array, commonly referred to as a "6-pack", with the CS, who positively identified WHITE as the individual that sold the fatal narcotics dose. During the investigation, GRANET used various investigative techniques, including the use of an undercover GRANET Task Force Officer, surveillance (physical and audio), and others, to conduct controlled purchases of fentanyl and cocaine from WHITE. The overall investigation has uncovered links to potentially fatal fentanyl-related overdoses.

FACTS ESTABLISHING PROBABLE CAUSE

6. On or about October 7, 2021, a GRANET Undercover Officer (hereinafter “UC-1”) conducted a controlled purchase of a quantity of fentanyl from WHITE. During the controlled purchase, UC-1 was in an undercover vehicle and equipped with a concealed audio recording device. In addition, members of a surveillance team maintained constant physical surveillance of UC-1 during the controlled purchase. UC-1 exchanged a series of phone calls and text messages with WHITE at telephone number (585) 351-7928. During the exchange, WHITE directed UC-1 to go to the corner of Avenue D and Harris St. in Rochester, New York, to obtain a quantity of narcotics. UC-1 requested WHITE supply them with “2 in girl, 1 in boy”, referring to \$200 of powder cocaine and \$100 of fentanyl, in exchange for \$300 in U.S. currency. At approximately 10:43 pm, UC-1 arrived at Avenue D and Harris St., where UC-1 observed WHITE standing in the area of 111 Harris St. UC-1 observed WHITE to be wearing dark-colored pants and a dark sweatshirt. WHITE approached the passenger-side door of UC-1’s vehicle, at which time UC-1 handed WHITE \$300 in GRANET funds in exchange for approximately one (1) gram of what appeared to be powder cocaine and 20 wax paper envelopes containing what appeared to be heroin/fentanyl. The wax paper envelopes were stamped with the marking “Old School”. UC-1 then drove away from the location and returned to the Rochester Police Department (hereinafter, “RPD”) Public Safety Building (hereinafter, “PSB”). The narcotics were subsequently field tested by MCSO Sergeant Phil Genier. The field test of the suspected cocaine returned a positive result for the presence of cocaine. The field test of the suspected fentanyl returned a positive result for the presence of fentanyl. City of Rochester Blue Light Camera footage from the area of Avenue D at Harris Street was retained as evidence under CR #21-222532.

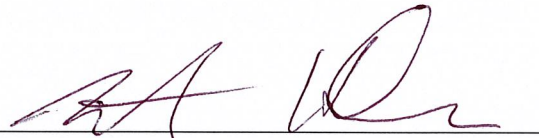
7. On or about October 13, 2021, UC-1 conducted a controlled purchase of narcotics from WHITE. During the controlled purchase, UC-1 was in an undercover vehicle and equipped with a concealed audio recording device. In addition, members of a surveillance team maintained constant physical surveillance of UC-1 during the controlled purchase. UC-1 exchanged a series of phone calls and text messages with WHITE at telephone number (585) 351-7928. During the exchange, WHITE directed UC-1 to go to the corner of Avenue D and Harris St. in Rochester, New York, in order to conduct another narcotics transaction. At approximately 7:08 p.m., UC-1 arrived at Avenue D and Harris St., where UC-1 observed WHITE standing in the area of 111 Harris St. UC-1 observed WHITE to be wearing light colored jeans and a gray sweatshirt. WHITE approached the passenger-side door of UC-1's vehicle, at which time UC-1 handed WHITE \$200 in GRANET funds in exchange for approximately one (1) gram of what appeared to be powder cocaine and 20 wax paper envelopes containing what appeared to be heroin/fentanyl. The wax paper envelopes were stamped with the marking "Old School". WHITE informed UC-1 that he was providing an additional \$100 worth of narcotics due to the fact that UC-1 had a reputation for ordering and paying correctly. UC-1 then drove away from the location and returned to the PSB. The narcotics were subsequently field tested by MCSO Deputy Steve Thomsen. The field test of the suspected cocaine returned a positive result for the presence of cocaine. The field test of the suspected fentanyl returned a positive result for the presence of fentanyl. City of Rochester Blue Light Camera footage from the area of Avenue D at Harris Street was retained as evidence under CR #21-227108.

8. On or about November 13, 2021, UC-1 conducted a controlled purchase of a quantity of fentanyl from WHITE. During the controlled purchase, UC-1 was in an undercover vehicle and was equipped with a concealed audio recording device. In addition, members of a surveillance team observed UC-1 during the controlled purchase. Through a series of text messages and phone calls with WHITE at telephone number (585) 351-7928, UC-1 coordinated the transaction with WHITE. WHITE indicated in a text message, "I'm on lake ave what u need." WHITE directed UC-1 to the area of Avenue D and Harris Street in Rochester, New York, in order to conduct the narcotics transaction. WHITE agreed to provide a quantity of cocaine and fentanyl for a total of \$300. At approximately 1:36 p.m., electronic surveillance showed WHITE exiting the front porch door of 68 Pollard Avenue wearing blueish, purple-colored sweatpants, a black hooded sweatshirt, a black knit cap, and a blueish green face gaiter. WHITE was observed entering the driver seat of a 2008 Infiniti G35, four-door sedan, gray in color, bearing VIN #JNKBV61F98M272162 and New York State license plate number JBL9103, which was parked in the driveway of 68 Pollard Avenue. Members of the surveillance team then followed WHITE and the 2008 Infiniti G35 to the area of St. Paul Street and Avenue D in Rochester, New York. At approximately 2:03 p.m., UC-1 observed WHITE arrive as the sole occupant operating the 2008 Infiniti G35. WHITE placed a call to UC-1 and directed UC-1 to the passenger-side window. UC-1 observed WHITE wearing the same blueish, purple-colored sweatpants, a black hooded sweatshirt, a black knit cap, and a blueish green face gaiter. While at the front, passenger-side window, surveillance members observed WHITE hand UC-1 a knotted sandwich bag containing suspected cocaine in exchange for \$300 in GRANET funds. WHITE indicated that he was unable to get the "boy", a common street name for heroin/fentanyl, and handed UC-1 \$70 in change. UC-1 departed the location and returned to

the Monroe County Public Safety Building. The suspected cocaine was subsequently field tested by UC-1, which returned a positive result for the presence of cocaine. The cocaine was then secured and submitted to the Rochester Police Department Property Division as evidence.

CONCLUSION

9. **WHEREFORE**, based on the above information, I submit there is probable cause to believe that on or about October 7, 2021 and October 13, 2021, in the Western District of New York, the defendant, MARCUS WHITE, did knowingly, intentionally, and unlawfully possess with intent to distribute, and distributed, cocaine and fentanyl, Schedule II controlled substances, **in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C)**; and further, that on or about November 13, 2021, in the Western District of New York, the defendant, MARCUS WHITE, did knowingly, intentionally, and unlawfully possess with intent to distribute, and distributed, cocaine, a Schedule II controlled substance, **in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C)**.



MATTHEW D. HUDSON
Special Agent,
Homeland Security Investigations

Affidavit and Criminal Complaint Submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim.P. 4.1 and 4(d) on November 18, 2021.



HONORABLE MARIAN W. PAYSON
United States Magistrate Judge